

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TONY LAMAR WARD JACKSON §
v. § CIVIL ACTION NO. 6:07cv562
SMITH COUNTY JAIL, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Tony Lamar Ward Jackson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On February 8, 2008, Jackson was ordered to file an amended complaint setting out a short and plain statement of his complaint, giving fair notice of the nature of his claims and the grounds upon which they rest. The Court provided Jackson an outline of how to do so, telling him that this statement of his claim should include a concise statement of his claims, including facts and dates; the individual or individuals whom he wished to sue; a statement showing how each of the named defendants were involved in the facts forming the basis of his lawsuit; a statement of the harm which Jackson suffered as a result of the incidents forming the basis of his claim; and a statement of the relief which Jackson seeks in the case. The Court also sent Jackson a standard Section 1983 lawsuit form to assist him in complying with the order.

Between February 14 and April 7, 2008, Jackson sent ten separate letters to the Court; however, none of these, either separately or considered together, could be construed as an amended complaint in compliance with the order of the Court. Accordingly, on April 7, 2008, the Magistrate

Judge issued a Report recommending that the lawsuit be dismissed for failure to prosecute or to obey an order of the Court.

Jackson received a copy of this Report on April 23, 2008, but has filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 14th day of May, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**